

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 NSC-05 L-03 SCA-01 CPR-01

CIAE-00 INR-07 NSAE-00 EB-07 COME-00 OMB-01 STR-04

SAJ-01 /060 W

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R 231128Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5890

INFO AMEMBASSY MOSCOW

LIMITED OFFICIAL USE BONN 01220

E.O. 11652: N/A

TAGS: EGEN, ETRD, GW, UR

SUBJECT: FOREIGN COMMERCIAL OFFICES OUTSIDE BONN

REF: STATE 10867

1. ACCORDING TO FONOFF (PROTOCOL), FRG POLICY IS TO ACCORD NO IMMUNITY OR PRIVILEGES TO COMMERCIAL OFFICES, WHETHER THEY ARE LOCATED IN BONN OR ELSEWHERE. IN THE OPINION OF THE FRG TRADE MISSIONS DO NOT QUALIFY FOR ANY IMMUNITIES OR PRIVILEGES UNDER EITHER THE GENEVA OR VIENNA CONVENTIONS. THE FRG MAKES NO DISTINCTION BETWEEN EE TRADE MISSIONS AND OTHER MISSIONS EXCEPT THAT IT "TOLERATES" LARGER THAN NORMAL COMMERCIAL SECTIONS IN THE CASE OF ALL STATE TRADING COUNTRIES.

2. THE USSR, WHICH MAINTAINS A TRADE MISSION IN COLOGNE, IS AN IMPORTANT EXCEPTION TO THIS GENERAL RULE. THIS TRADE MISSION WAS ESTABLISHED ON THE BASIS OF AN APPENDIX ENTITLED, "THE LEGAL POSITION OF THE TRADE MISSION OF THE USSR IN THE FRG," TO AN AGREEMENT ON COMMERCE AND NAVIGATION SIGNED APRIL 25, 1958. THIS APPENDIX SPECIFIES THAT THE TRADE MISSION IS PART OF THE SOVIET EMBASSY. AS SUCH IT ENJOYS LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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THE SAME PRIVILEGES AND IMMUNITIES AS THE EMBASSY ITSELF AND CAN TRANSMIT ENCODED MESSAGES.

3. THE APPENDIX FURTHER SPECIFIES THAT THE CHIEF OF THE TRADE MISSION AND THREE DEPUTIES HAVE THE SAME IMMUNITIES AND PRIVILEGES AS MEMBERS OF THE EMBASSY. OTHER EMPLOYEES OF THE TRADE MISSION WHO ARE SOVIET NATIONALS ENJOY NO EXEMPTIONS OTHER THAN AN EXEMPTION FROM GERMAN INCOME TAXES.

4. THE APPENDIX PROVIDES THAT THE SITE OF THE TRADE MISSION AND THE NUMBER OF ITS PROFESSIONAL EMPLOYEES WHO ARE SOVIET NATIONALS WILL BE DETERMINED BY MUTUAL AGREEMENT. THE NUMBER OF EMPLOYEES WAS FIXED AT A MAXIMUM OF SIXTY (IN ADDITION TO THE CHIEF AND THREE DEPUTIES) BY AN EXCHANGE OF LETTERS.

5. OTHER ARTICLES OF THE APPENDIX COVER THE COMMERCIAL RIGHTS AND OBLIGATIONS OF THE TRADE MISSION AND ITS EMPLOYEES.

6. TRADE MISSIONS OF EASTERN EUROPEAN COUNTRIES WERE GRANTED LIMITED IMMUNITY AND RIGHTS BY SPECIAL LEGISLATION PRIOR TO THE ESTABLISHMENT OF DIPLOMATIC RELATIONS IN THE 1960'S AND '70'S. THESE IMMUNITIES WERE REVOKED AS DIPLOMATIC RELATIONS AND EMBASSIES WERE ESTABLISHED. IN PRACTICE, THE EASTERN EUROPEAN COUNTRIES CONVERTED THEIR TRADE MISSIONS INTO EMBASSIES WITH NO LOSS IN STATUS.

7. THE REPRESENTATION OFFICE OF THE GDR IS A CASE UNIQUE TO THE FRG AND IS AN EXCEPTION TO GENERAL FRG POLICY. THE EMBASSY BELIEVES, HOWEVER, THAT ITS SPECIAL CHARACTER IS NOT PERTINENT TO THE QUESTIONS IN THE REFTEL.

8. LICENSINTORG HAS CONCLUDED NO JOINT VENTURE WITH A COMPANY IN THE FRG. IT HAS A REPRESENTATIVE ON THE STAFF OF THE SOVIET TRADE MISSION.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, POLICIES, TRADE ORGANIZATIONS, DIPLOMATIC PERSONNEL
Control Number: n/a
Copy: SINGLE
Draft Date: 23 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BONN01220
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760027-1112
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760129/aaaaazet.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 10867
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAR 2004 by CollinP0>; APPROVED <13 MAY 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FOREIGN COMMERCIAL OFFICES OUTSIDE BONN
TAGS: EGEN, ETRD, GE, UR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006